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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/180,432 02/12/99 MACHINO

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EXAMINER

RUDDOCK, U

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

10/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/180,432

Applicant(s)
Machino et al.

Examiner
Ula C. Ruddock

Group Art Unit
1771



☒ Responsive to communication(s) filed on Jul 26, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-54 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-54 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 1771

DETAILED ACTION

1. The Examiner has carefully considered Applicant's amendment and accompanying remarks filed July 26, 2000.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. Claims 1-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 10, and 45, the phrase "wool-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Rejection is maintained.

Also, in claim 10, the phrase "non-coil-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Rejection is maintained.

Art Unit: 1771

Claim Rejections - 35 USC § 102

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McCullough, Jr. et al. (US 4,997,716), as shown in Paper #11. Rejection is maintained.

Claim Rejections - 35 USC § 102/103

5. Claims 2-54 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over McCullough, Jr. et al. (US 4,997,716), as shown in Paper #11. Rejection is maintained.

Response to Arguments

6. Applicant's arguments filed July 26, 2000 have been fully considered but they are not persuasive for the reasons set forth. Applicant argues that McCullough, Jr. et al. does not disclose a structural panel that is non-galvanic corrosive. This argument is not persuasive, because in Applicant's specification, on page 6, lines 8-10, Applicant discloses a carbon fiber producing step of producing non-galvanic corrosive carbon fibers by infusibilizing the spun fibers and then carbonizing the fibers at not lower than 650°C and lower than 750°C. McCullough's carbonaceous fibers are prepared by the method as shown by U.S. patent application Ser. No. 06/856,305 (col 2, ln 45-55). In 06/856,305, McCullough teaches carbonizing the fibers at a temperature between 600°C and 700°C. It is also conventional in the art to carbonize fibers at temperatures between 600°C and 1600°C. Therefore, the fibers of McCullough, Jr. et al. inherently have some degree of non-galvanic corrosiveness. Applicant also argues that McCullough, Jr. et al. are non-electrically conductive. This argument is not persuasive because at

Art Unit: 1771

column 4, line 17-19, McCullough, Jr. et al. teach three different fiber groups, of which one group is partially electrically conductive and another group is highly conductive (col 4, ln 55-68 to col 5, ln 1). Applicant also argues that McCullough, Jr. et al. do not teach or suggest carbon fibers being bonded at a contact point. This argument is not persuasive because McCullough, Jr. et al. clearly teach 10 to 95% by weight of carbonaceous fibers (claim 1), along with which Applicant has suggested 5 to 90% by weight of a resin. McCullough, Jr. et al. teaches a wide range of amounts of carbonaceous fibers and resins, i.e. McCullough's structural panel could have 95% carbon fibers and 5% resin, or 90% carbon fibers and 10% resin, and so forth.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 1771

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is (703) 305-0066. The Examiner can normally be reached Monday through Thursday from 6:30 AM to 4 PM and on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Terrel Morris can be reached at (703) 308-2414.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.

Ula C. Ruddock *UCR*
Patent Examiner
Art Unit 1771
October 10, 2000

Elizabeth M. Cole
ELIZABETH M. COLE
PRIMARY EXAMINER